

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT

IN AND FOR MIAMI-DADE COUNTY, FLORIDA

Case No.: 2018-018704-CA-01

Judge Javier Enriquez

Division: Circuit Civil

Section: CA 13

MARIO MIRABAL,

Defendant,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY,

Plaintiff.

_____ /

MOTION TO REOPEN CASE, ALERT THE COURT OF FRAUDULENT CONVEYANCE, MATERIAL OMISSION,
AND REQUEST FOR JUDICIAL REVIEW AND COORDINATION

COMES NOW the Defendant, Mario Mirabal, pro se, and respectfully moves this Honorable Court, under the oversight of Judge Javier Enriquez, to reopen the above-captioned case and review previous filings related to fraudulent activities and material omissions by the Plaintiff, Deutsche Bank National Trust Company, and for other relief as detailed herein. In support of this motion, Defendant states as follows:

1. INTRODUCTION

The Defendant has previously lodged multiple motions and notices alerting the court to ongoing fraud, material omissions, and the need for judicial coordination related to the alleged settlement and fraudulent conveyance of the Defendant's homestead property. These filings (docket entries 237, 239,241,242,243) were made under the case number 2018-018704-CA-01, initially presided over by Judge Tanya Brinkley who has since been reassigned transferring the case to this venue .

2. TRANSFER OF JUDICIAL OVERSIGHT

This case has now been transferred to Judge Javier Enriquez, Circuit Civil Section: CA 13 at the Dade County Courthouse. It appears that due to the case's status as closed following a motion by Deutsche Bank claiming a settlement which the Defendant contests was fraudulent, subsequent filings might not have been reviewed by your honor.

3. GROUNDS FOR REOPENING THE CASE

The Defendant asserts that the prior motion to dismiss based on a settlement was fraudulently submitted by Deutsche Bank, as it claimed a settlement aimed to circumvent ongoing fraud charges and a lack of standing to foreclose, which were detailed in a motion under Rule 1.540(b) docket entries 229, 230, 231. Additionally, the homestead was fraudulently conveyed to KP Investments Miami, LLC, a party related to the Plaintiff, prior to the filing of the dismissal motion and while the Defendant was under a bankruptcy stay.

4. REQUEST FOR JUDICIAL REVIEW

The Defendant respectfully requests that Judge Javier Enriquez review all motions entered by the Defendant between 11/21/2024 and 11/27/2024 and notices filed subsequent to the fraudulently requested/granted dismissal docket entries 237, 239, 241, 242, 243. highlighting fraudulent conveyance and requests for state attorney and DOJ investigation, to ensure a comprehensive understanding of the case's complexities and interconnected fraudulent actions.

5. RELIEF SOUGHT

- a. Reopen the case under Case No. 2018-018704-CA-01.
- b. Review all motions and filings made by the Defendant under this case number prior to and since the alleged fraudulent dismissal.
- c. Set aside the previous dismissal based on the fraudulent settlement claim.
- d. Invalidate and void ab initio the fraudulent sale and conveyance, warranty deed of the property to KP Investments Miami, LLC, as it was conducted while fraud claims were pending and without proper disclosure to the Courts. And conducted during the Bankruptcy stay.

e. Coordinate judicial proceedings to address interconnected fraud and collusion claims against Deutsche Bank and related parties.

f. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted ,

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